



McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Phone: 804.775.1000
Fax: 804.775.1061
www.mcguirowoods.com

Robert F. Redmond, Jr
Direct: 804.775.1123
rredmond@mcguirowoods.com
Fax: 804.698.2209

July 19, 2024

VIA ECF

Honorable Paul G. Gardephe

Re: *Brink's Global Services USA, Inc. v. Bonita Pearl, Inc., et al.*
Case No.: 1:22-cv-06653-PGG-BCM

Dear Judge Gardephe:

This firm represents Plaintiff Brink's Global Services USA, Inc. ("Brink's") in the above-captioned matter. This letter responds to Defendants' counsel's July 12, 2024 letter. (Dkt. 281)

Defendants' counsel does not include any new evidence or information that supplements the arguments he made at the April 29, 2024 hearing. In fact, his recent letter backs off the claims he made before Your Honor at the hearing. At the hearing, he claimed that "we've talked to the FBI...[w]e've talked to the Los Angeles County Sheriff's Office... almost everybody seems to think it's an inside job" (Tr. 19:7 – 8; 23). Defendants' counsel's recent (unsworn) letter does not allege that "it's an inside job" or that any law enforcement authority thinks that it is.

In point of fact, it is now more than two years since the theft. Brink's and its drivers have completely cooperated with the law enforcement investigation. Both drivers had been re-assigned to their duties as high-value cargo drivers by early 2023. Law enforcement authorities were well aware of this fact. There is no evidence or indication that any law enforcement authority considers any Brink's employee to be a suspect or in any way implicated in the theft. Defendants' counsel makes no such claim in his July 12, 2024 letter. The fact that Defendants' counsel was unwilling to attach any evidence or sworn declaration to his recent letter establishes that he has no such evidence.

Brink's interprets Defendants' July 12, 2024 letter as yet another effort to delay resolution of this matter in this forum consistent with Defendants' Motion to Dismiss (Dkt. 98) and Defendants' filing of a separate action in California¹, after this case was filed and despite the contract's forum selection provision.

¹ *Chang v. Brink's Global Services USA Inc.* Case No. 22STCV27209 pending before the Honorable Thomas D. Long in the Superior Court of California, County of Los Angeles. Brink's notes that the California court stayed the California action as to Brink's (but not the other defendants) on September 7, 2023 pending this action. The California court has scheduled a status conference for September 20, 2024 and has ordered Brink's and the California plaintiffs (Defendants here) to submit a Status Report on this case before that status conference.

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It is evident that Defendants are resistant to proceeding in this forum. Brink's would note that Defendants have **not** asked the California court to delay their lawsuit while the criminal investigation continues. The arguments Defendants raised in Dkt. 281 apply equally to the California case but they have not made them in California.

In sum, as this Court recognized at the April 29, 2024 hearing, Defendants' request for an open ended delay would lead to "delay and delay and delay and delay" and ultimately, charges may never be brought. (Tr. 20:13 – 15). Brink's respectfully requests that the Court proceed pursuant to the Court's Scheduling Order and resolve this matter based on the evidence of record before it.

Respectfully Submitted,

/s/ Robert F. Redmond, Jr.

Robert F. Redmond, Jr.

Counsel for Brink's Global Services USA, Inc.

cc: All counsel of record via ECF